REQUEST FOR REVISING THE RULING GIVEN BY THE CHAIR

THE DEPUTY CHAIRMAN: Mr. Advani, you wanted to raise some point. You had asked me to permit you to speak on that. You can raise that point.

SHRI LAL K. ADVANI (Madhya Pradesh): Can I have that notice that I had given you?

THE DEPUTY CHAIRMAN: You know what notice you have given.

SHRI LAL K. ADVANI: I know the notice, but without that I would not be able to quote it verbatim. I have given the excerpts there.

SHRI A. G. KULKARNI (Maharashtra): Madam, I have also given my letter.

THE DEPUTY CHAIRMAN: Yes, I know.

SHRI LAL K. ADVANI: Madam, normally I would not have tried to raise this matter, but because a ruling of this kind becomes a precedent and because the episode that took place last week in this House may become a precedent which would be contrary to the precedents that have been established in all Parliaments generally, and more particularly in the Lower House of the Indian Parliament, therefore I along with several colleagues of mine have given notice of this.

The issue arose when Mr. Satya Pal Malik of Congress(I) wanted to participate in the Bofors debate. At that point of time, you pointed out that the list given by the Congress Party did not include his name and that you went by the lists provided by the Whips of the various parties. I and also many of my colleagues could see the basic rationale of your point. We felt that by and large this might be true that you were to abide by whatever lists were given by the parties and their Whips, but we also pointed out that this was a very exceptional situation and an exceptional debate—a debate which had divided not merely the House but even the ruling party. Therefore, it would be in the fitness of things if you exercised your discretion and allowed Shri Satya Pal Malik to speak.

Subsequently when I went through Kaul and Shakdher which is an authentic treatise on parliamentary procedures in India. I found this is what Kaul and Shakdher says on pages 775 and 776:

> "Lists of spokesmen are supplied by whips of the parliamentary party and groups to enable the Speaker to select members so as to ensure a well-regulated and balanced debate".

So that the purpose of providing lists is not to ensure that only those members will speak whose names are given to the Speaker but only in order to enable the Speaker or the Chairman or the Presiding Officer to ensure a well-regulated and balanced debate. Kaul and Shakdher has add:

> "He is however, not bound by these lists".

Meaning that the Presiding Officer or the Speaker is not bound by these lists. I would like to emphasise this.

> "The lists prepared by the Secretariat for the guidance of the Speaker on the basis of the lists supplied by the Whips and requests received direct from members can be changed or altered by the Speaker".

So the final authority vests in the Speaker or the Presiding Officer and not in the Whips or the parties themselves. The parties give the lists only for the guidance of the Speaker and the Secretariat. The final decision is to be taken by you. The impression carried on that day from all that you said or the manner in which you responded to the request made from this side was that so far as you are concerned, you are bound by the list

that has been given and therefore this becomes a precedent. Therefore I would request you to revise your ruling according to the established parliamentary procedures and pronounce and rule that it would be the exclusive prerogative of the Speaker or the Chairman or the Presiding Officer to decide who is to speak and the Whips can only guide. Thank you.

SHRI NIRMAL CHATTERJEE (West Bengal): As a signatory to that letter...

THE DEPUTY CHAIRMAN: No, no. It cannot go on record.

SHRI NIRMAL CHATTERJEE: I am not speaking. I am merely suggesting. As a signatory, we endorse what he has said.

SHRI A. G. KULKARNI: Madam Deputy Chairman, on that day also I wanted to raise...

श्री जसवंत सिंह (राजस्थान): ठीक ठीक बोलिएगा। ... (व्यवधान)

SHRI A. G. KULKARNI: I always speak what satisfies my conscience. I don't speak without conscience and without commitment to the purpose. Madam, with my experience here for the last 16, 17 years, this is not a party matter at all. My party has got all inner democracy and we go on to express our views. Some are expressed in other forums and some are expressed in the forum of Rajya Sabha or Lok Sabha.

Madam, on that very day again I went through May's *Parliamentary Practice* and *Kaul and Shakdher* which my friend, Mr. Advani, has quoted. Even May's *Parliamentary Practice* lays emphasis on a balanced debate. I have seen many times in this very House when Mr. Giri was presiding, when Mr. Pathak was presiding and when Mr. Jatti was presiding, many occasions came of calling Members from outside the list supplied by the Whips not only of the ruling party but also from the Opposition parties. It is the choice of the Presiding Officer to call anybody whom he or she likes, to have a balanced debate. Sometimes we change the names also; even the priorities are changed. Madam, I request you that for posterity's sake this decision of yours should not go on record because this Parliament will go on for thousands of years and, therefore, whatever decision we take must be commensurate with the practices whether of the British Parliament or Indian Parliament. Thank you.

THE DEPUTY CHAIRMAN: On August 12, 1987, when Shri Satya Pal Malik wanted to speak on the Motion regarding the Joint Committee on Bofors, I did not allow him to speak. Shri L. K. Advani and other Members have taken objection to my doing so. They have stated that my ruling is contrary to parliamentary practice and procedure. I wish to make it clear that it was not a ruling as such. It is a well-established practice in our House that the Chair goes by the list of speakers submitted by the Whips of the Parties. Although the Chair is not bound by the list, due consideration is given by the Chair to such list

while calling upon the Members to speak. Further, the Chair has the right to regulate the debate and select Members to take part in the debate. A Member cannot insist on being called. This is amply made clear by Kaul and Shakdher in their book on page 776 from which Shri Advani has quoted some extracts in his letter to me.

Since the Minister of Parliamentary Affairs had stated that he had withdrawn the list of Members from his party to speak on the Motion, I did not permit Shri Malik to speak. There is no question of this being quoted as a precedent or a ruling.

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): That day Kulkarniji also wanted to speak.

SHRI A. G. KULKARNI: There was no time with my party. What could I do?

SHRI ATAL BIHARI VAJPAYEE: Why have you joined that party then? ...(*Interruptions*)...

SHRI A. G. KULKARNI: I was also out off... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): You were having a field day here. You joined them and lost it... (*Interruptions*)...

SHRI A. G. KULKARNI: It was my misfortune to have said that.

(*Interruptions*)

श्री सत्यपाल मलिक (उत्तर प्रदेश) : महोदय, मैं सिर्फ यह जानना चाहता हूं कि आने वाले दिनों के लिए मेरा बोलना किस चीज पर निर्भर करेगा ?

उपसभापति : आने वालों के बारे में कोई रूलिंग अभी नहीं दी जा सकती ।

SHRI DIPEN GHOSH (West Bengal): Everytime you submit your case...

पर्यावरण और वन मंत्री (**श्री भजन लाल**) : उपसभापति महोदय, एक बात मुझे बड़े दुख के साथ कहनी पड़ती है कि आडवाणी जैसे समझदार व्यक्ति हमारी पार्टी और हमारे आपस के मामले को यहां क्यों उठा रहे हैं, यह मैं समझ नहीं सका । दूसरी बात यह कि आपने ठीक कहा और आपको याद होगा कि उस दिन अपोजिशन के जो हमारे माननीय सदस्य थे उन्होंने बहुत ज्यादा बोलने का आग्रह किया इसलिए हमने अपनी लिस्ट विदड्रा की ताकि अपोजिशन के मैम्बरों को बोलने का ज्यादा समय मिल सके और इस बात को कह कर यह हमें आपस में लड़ाना चाहते हैं आडवाणी जी और बीजेपी के नेताओं से मैं कहना चाहता हूं कि यह अच्छी बात नहीं है । यह हमारे आपस का मामला है । वह क्या बोलना चाहते थे, क्या नहीं बोलना चाहते थे यह हम जानते हैं आपको क्या पता । क्या आप यह चाहते हैं कि वह आपकी भाषा बोलें ? अगर आपकी भाषा बोलना चाहते हैं तो आपके पास आकर बैठ जायें कोई तकलीफ की बात नहीं है ।

SHRI A. G. KULKARNI: You are thinking that we are fighting here. We are not fighting here. (*Interruptions*)

SHRI K. MOHANAN (Kerala): What about the right of the Member? It is not a party office.

श्री भजन लाल : यह जो इधर-उधर का हवाला दिया गया है यह ठीक नहीं है । हमने आपको मौका दिया, हमने अपनी लिस्ट विदड्रा की ताकि आप ज्यादा से ज्यादा बोल सकें ।